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14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN JOSE DIVISION

17 UNITED STATES OF AMERICA,) No. CR 07-00745 JF
18 Plaintiff,) STIPULATION AND [PROPOSED]
19 v.) ORDER EXCLUDING TIME FROM
JOSE TORRES-CALDERON,) JANUARY 30, 2008 TO FEBRUARY 6,
Defendant.) 2008 FROM THE SPEEDY TRIAL ACT
CALCULATION (18 U.S.C. §
3161(h)(8)(A))
19 _____)

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21 The parties stipulate that the time between January 30, 2008 and February 6, 2008 is
22 excluded under the Speedy Trial Act, 18 U.S.C. § 3161, in light of the defendant's pending
23 motion for new counsel.

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3 DATED: January 30, 2008

JOSEPH P. RUSSONIELLO
United States Attorney

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5 /s/
6 BENJAMIN T. KENNEDY
7 Assistant United States Attorney

8 /s/
9 CYNTHIA LIE
10 Assistant Federal Public Defender

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ORDER

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the time between January 30, 2008 and February 6, 2008 is excluded under the Speedy Trial Act, 18 U.S.C. § 3161, in light of the defendant's pending motion for new counsel. Furthermore, the Court finds that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. The court therefore concludes that this exclusion of time should be made under 18 U.S.C. § 3161(h)(8)(A).

IT IS SO ORDERED.

DATED:

**JEREMY FOGEL
UNITED STATES DISTRICT JUDGE**